EXHIBIT "A"

This form: 134 ppt 1500 by the annume stip the Action of t

STATE OF ILLINOIS, CIRCUIT COURT		SUMMONS	For Court Use Only
McHenry	_ COUNTY		
Instructions 🕶			
Enter above the county name where the case was filed.		althcare and Home Health Services, Inc. ioner (First, middle, last name)	
Enter your name as Plaintiff/Petitioner.	V.		
Below "Defendants/	Defendants / I	Respondents (First, middle, last name)	
Respondents," enter the	Aetna, Inc.		2023LA000323
names of all people you are suing.	***************************************		Case Number
Enter the Case Number given by the Circuit Clerk.		umons (Check this box if this is not the 1 st ed for this Defendant.)	

IMPORTANT: You have been sued.

- Read all documents attached to this Summons.
- You MUST file an official document with the court within the time stated on this Summons called an *Appearance* and a document called an *Answer/Response*. If you do not file an *Appearance* and *Answer/Response* on time, the judge may decide the case without hearing from you. This is called "default." As a result, you could lose the case.
- All documents referred to in this Summons can be found at <u>ilcourts.info/forms</u>. Other documents may be available from your local Circuit Court Clerk's office or website.
- After you fill out the necessary documents, you need to electronically file (e-file) them with the court. To e-file, you must create an account with an e-filing service provider. For more information, go to <u>ilcourts.info/efiling</u>. If you cannot e-file, you can get an exemption that allows you to file in-person or by mail.
- You may be charged filing fees, but if you cannot pay them, you can file an Application for Waiver of Court Fees.
- It is possible that the court will allow you to attend the first court date in this case in-person or remotely by video or phone. Contact the Circuit Court Clerk's office or visit the Court's website to find out whether this is possible and, if so, how to do this.
- Need help? Call or text Illinois Court Help at 833-411-1121 or go to ilcourthelp.gov for information about going to court, including how to fill out and file documents. You can also get free legal information and legal referrals at illinoislegalaid.org. All documents referred to in this Summons can be found at ilcourts.info/forms. Other documents may be available from your local Circuit Court Clerk's office or website.
- ¿Necesita ayuda? Llame o envíe un mensaje de texto a Illinois Court Help al 833-411-1121, o visite <u>ilcourthelp.gov</u> para obtener información sobre los casos de la corte y cómo completar y presentar formularios.

Plaintiff/Petitioner:

Do not use this form in these types of cases:

- All criminal cases
- Order of protection

Adult guardianship

Eviction

Paternity

Detinue

- Small Claims
- Stalking no contact orders
- Foreclosure

Divorce

Civil no contact orders

Administrative review cases

For eviction, small claims, divorce, and orders of protection, use the forms available at <u>ilcourts.info/forms</u>. If your case is a detinue, visit <u>illinoislegalaid.org</u> for help.

If you are suing more than 1 Defendant/Respondent, attach an *Additional Defendant/Respondent Address and Service Information* form for **each** additional Defendant/Respondent.

In 1a, enter the name and address of the first Defendant/ Respondent you are serving. If you are serving a Registered Agent, include the Registered Agent's name and address here.	1. Defendant/Respondent's address and service information: a. Defendant/Respondent's primary address/information for service: Name (First, Middle, Last): Aetna, Inc. Registered Agent's name, if any: Street Address, Unit #: 3200 Highland Ave. MCF648 City, State, ZIP: Downers Grove, Illinois 60515 Telephone: Email:
In 1b , enter a second address for the first Defendant/ Respondent, if you have one.	b. If you have more than one address where Defendant/Respondent might be found, list that here: Name (First, Middle, Last): Street Address, Unit #: City, State, ZIP:
In 1c, check how you are sending your documents to this Defendant/ Respondent.	Telephone: Email: c. Method of service on Defendant/Respondent: Sheriff Sheriff outside Illinois: County & State Special process server Licensed private detective
Check here if you are serving more than 1 Defendant/ Respondent. Attach an Additional Defendant/ Respondent Address and Service Information form for each additional Defendant/Respondent and write the number of forms you attached. In 2a, enter the amount of money owed to you. Check 2b if you are asking for the return of tangible personal property. In 3, enter your complete address, telephone number, and email address, if you have one.	I am serving more than 1 Defendant/Respondent. I have attached
Important information for the person getting this form	You have been sued. Read all of the documents attached to this <i>Summons</i> . To participate in the case, you must follow the instructions listed below. If you do not, the court may decide the case without hearing from you and you could lose the case. <i>Appearance</i> and <i>Answer/Response</i> forms can be found at: ilcourts.info/forms.
Check 4a or 4b. If Defendant/Respondent only needs to file an Appearance and Answer/Response within 30 days, check box 4a. Otherwise, if the clerk gives you a court date, check box 4b.	 Instructions for person receiving this Summons (Defendant): a. To respond to this Summons, you must file Appearance and Answer/Response forms with the court within 30 days after you have been served (not counting the day of service) by e-filing or at:

Case: 3:24-cv-50064 Document #: 1-1 Filed: 02/07/24 Page 4 of 14 PageID #:13

In 4a, fill out the	☐ b. Attend court					
address of the court	On:		at	☐ a.m. ☐ p.m. in		
building where the	Date		Time		Courtroom	
Defendant may file or e-file their	In-person a	t:				
Appearance and	•					
Answer/ Response.	Courthouse A	Address	City	State	ZIP	
In 4b, fill out:	OR		•			
•The court date and		You may be abl	e to attend this cou	ırt date by phone or video	conference	
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Note to officer or prod	cess server:					
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If 4b is checket	ed, this <i>Summons</i> must be s	erved at least 40	days before the cour	t date, unless 2b is also chec	ked.	
L	and 2b are checked, the Su		-			
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This form is approved by the Illinois Supreme Court and must be accepted in all Illinois Courts. Forms are free at ilcourts.info/forms.

STATE OF ILLINOIS,		PROOF OF SEF	WICE OF	For Court Use Only
CIRCUIT	COURT	SUMMONS		
McHenry	_ COUNTY	COMPLAINT/P	i i	
Instructions				
Enter above the county name where the case was filed.		althcare and Home Health S tioner (First, middle, last name		
Enter your name as Plaintiff/Petitioner.				
Enter the names of all people you are suing as Defendants/	v. Aetna, Inc.			
Respondents.		espondent (First, middle, last	name)	
Enter the Case Number given by the Circuit Clerk.	☐ Alias Sun	nmons (Check this box if this led for this Defendant.)	<i></i>	2023LA000323 Case Number
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Date: 12/14/2023 12:57 PM Katherine M. Keefe Clerk of the Circuit Court

IN THE CIRCUIT COURT OF THE TWENTY-SECOND JUDICIAL CIRCUIT McHENRY COUNTY, ILLINOIS

2023LA000323

GOODHOPE HEALTHCARE AND HOME HEALTH SERVICES, INC.,

Plaintiff,

Case No.

THIS CASE IS HEREBY SET FOR A SCHEDULING CONFERENCE IN

NOTICE

DEFAULT BEING ENTFRED.

AETNA, INC.

vs.

Defendant.

COMPLAINT FOR BREACH OF CONTRACT

NOW COMES Plaintiff, GOODHOPE HEALTHCARE AND HOME HEALTH SERVICES, INC, ("GOODHOPE") by and through their attorneys Metz & Vaclavek, LLC, and for its Complaint for Breach of Contract against Defendant AETNA, INC. ("AETNA"), states as follows:

Parties and Background

- 1. Defendant AETNA is a nationwide American-managed health care company that is headquartered in Hartford, Connecticut and maintains Illinois offices in Arlington Heights, Downers Grove, and Chicago, amongst others.
- 2. AETNA sells traditional and consumer directed health care insurance and related services, primarily through employer-paid insurance and benefit programs, and through Medicare.
- 3. The Defendant contracts with the Federal Government-- specifically, in this instance, Medicare -- to provide health insurance coverage and services to those individuals in the Medicare program.
- AETNA then contracts with Plaintiff GOODHOPE, to provide those services, 4. namely, home healthcare to those individuals who are designated under the program. (The contract

Page 1 of 5

entered into by the parties is not attached hereto as an Exhibit because GOODHOPE does not want to reveal any information AETNA deems confidential.)

- 5. In fact, AETNA refers their insureds under their program to GOODHOPE for specific services, for which AETNA provides insurance.
- 6. All services GOODHOPE provides to its patients referred by AETNA are already pre-approved by AETNA for coverage of treatment costs.
- 7. Plaintiff GOODHOPE is a healthcare service agency licensed in the state of Illinois with its principal place of business located at 3631 Municipal Drive, McHenry, Illinois, 60050.
- 8. GOODHOPE "provides exceptional home health care services that empower our patients to live their best lives in the comfort of their own homes. To treat people the way we want to be treated."
- 9. Jurisdiction is proper in this matter under 735 ILCS 5/2-209 which provides that Illinois courts may exercise jurisdiction over a non-resident defendant who "transact[s] any business," "own[s], posess[es] ... any real estate situated in," an/or "contract[s] to insure any person" within this State. 735 ILCS 5/2-209(a)(1), (a)(3), (a)(4).
- 10. AETNA not only contracted with Medicare specifically for Illinois Medicare patients, but also offers its healthcare coverage throughout Illinois, and has offices in Arlington Heights, Downers Grove, and Chicago, Illinois. Additionally, the contract at issue between AETNA and GOODHOPE was entered into in Illinois. Thus, jurisdiction is proper.
- 11. 735 ILCS 5/2-101 states that "every action must be commenced... in the county in which the transaction or some part thereof occurred out of which the cause of action arose." As the contract at issue between AETNA and GOODHOPE was entered into in Illinois, venue in McHenry County is proper.

Page 2 of 5

- 12. On or before August 1, 2022, GOODHOPE agreed to accept AETNA insureds to provide home healthcare services to Medicare clients for AETNA in exchange for payment from AETNA under its payment schedule for services.
- 13. All services GOODHOPE were to provide to its patients were already pre-approved by AETNA for coverage of treatment costs.
- 14. Between August 1, 2022, and April 26, 2023, GOODHOPE provided care for twenty-one (21) AETNA clients.
- 15. The total billing for home health care services provided by GOODHOPE on behalf of AETNA is \$301,215.19. A true and accurate copy of the billing is attached hereto as **Exhibit 1**.
- 16. To date, and despite all patients being pre-approved by AETNA for coverage and treatment costs, AETNA has only paid GOODHOPE \$80,457.91.
 - 17. GOODHOPE has performed all its obligations under the agreement with AETNA.
 - 18. AETNA is still indebted to GOODHOPE in the amount of \$220,757.28.
- 19. All attempts by GOODHOPE to recover the indebted amount from AETNA have gone unanswered.
- 20. As a result of AETNA's failure to pay the indebted and overdue amount owed to GOODHOPE, it has breached the contract between the parties.
 - 21. AETNA's failure to pay (let alone respond to) GOODHOPE demands for the *pre-approved* charges has proximately caused GOODHOPE damages in the amount of \$220,757.28.
 - 22. GOODHOPE is entitled to prejudgment interest under the Illinois Interest Act of the rate of 5% per annum.

WHEREFORE Plaintiff GOODHOPE HEALTHCARE AND HOME HEALTH
SERVICES, INC. prays that judgment be entered in its favor and against the Defendants AETNA,
Page 3 of 5

INC. in the amount of \$220,757.28, interests, costs, attorneys' fees, and such other and further relief as this Court deems just.

Respectfully Submitted: GOODHOPE HEALTHCARE AND HOME HEALTH SERVICES, INC.

One of Its Attorneys

State of Illinois)
) SS.
County of McHenry)

VERIFICATION

I, Kingsley Ebirim, being first duly sworn, on oath deposes and states that he is the President of Goodhope Healthcare and Home Health Services, Inc., that he has read the above and foregoing Verified Complaint and that the facts contained therein are true, except as to matters therein stated to be on information and belief and as to such matters, he certifies as aforesaid that he verily believes them to be true.

Ingsley Ebirim, President

Goodhope Healthcare and Home Health

Services, Inc.

Carl E. Metz II Metz & Vaclavek, LLC 101 N. Virginia Street, Suite 150 Crystal Lake, Illinois 60014 815-459-2844 cmetz@mgvlegal.com Attorney No. 6225644

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Exhibit	

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